

REMARKS

The foregoing Amendment and the following Remarks are in response to the Office Action mailed May 12, 2005, the time for response to which has been extended to October 12, 2005 by a Petition for Extension of Time submitted herewith.

Applicant appreciates the allowance of claims 40-44 and the indication that claims 7-13 and 15-34 have allowable subject matter. The foregoing Amendments are believed to place all of the claims pending in the case in condition for allowance. The paragraphs of the Office Action will be discussed in order.

Claims 14 and 39 are rejected under 35 U.S.C. 112. The claims 14 and 39 call for a secondary distribution channel extending “inwardly” from the suction channel, and the Office Action asserts that “the figures do not show the channel extending inwardly (toward the center of the aperture).” The Office Action has established an arbitrary frame of reference in which “inwardly” would refer to a direction toward the center of the ring, when the drawings clearly show that “inwardly” is a direction with respect to the opening of the channel between the concentric eye engaging surfaces, i.e. “inwardly” is further into the eye ring from the suction channel and the eye engaging surfaces. To the extent that there is any ambiguity in the specification and claims, the drawings establish the direction intended by the term “inwardly.” Although this rejection is not believed to be well founded, claims 14 and 39 have been amended to clarify that “inwardly” is a direction away from the eye engaging surfaces of the eye ring. Therefore, the amendments to claims 14 and 39 are believed to fully obviate the rejection, and to also obviate any need for corrections to the drawings. Therefore, claim 39 is now believed allowable, and claim 14 is also believed to contain allowable subject matter which no longer depends on a rejected base claim.

Claims 1 and 7-34 were also rejected under 35 U.S.C. 112. In claim 1, the grounds were that the phrase “a drive means access to the drive track” is vague and unclear. Claim 1 has been amended to clarify that the cutter head defines an opening providing access to the drive track of the blade holder. While this opening would be used to connect the drive means to the blade holder, the drive means is not an element or necessary part of the claim, and this is believed to obviate the rejection. When amending claim 7, the double recitation of the “sole surface” was deleted.

Applicant also wishes to note that in claim 7, the spelling of “holder” has been corrected without indication of amendment. “Holder” was inadvertently misspelled as “older” at claim 7, line 3 in the previous Amendment, but was correctly spelled in the original application. Claim 33 is amended to provide the requisite antecedent basis.

Claims 3 and 6 are rejected under 35 U.S.C. 102 as being anticipated by *Dybbs* U.S. Patent 6,228,099. Claims 3 and 6 originally called for a suction ring with a shoe defining a cutting guideway and an entrance guideway. *Dybbs* shows guides for a cutter head, and the gist of the rejection is that the proximal-most portion of the *Dybbs* guides might be called an entrance guideway and the middle to distal-most portion of the *Dybbs* guides would then be the cutting guideway. In the *Dybbs* keratome, the cutter head is secured to the eye ring before the eye ring is placed on the eye wherein it is relatively easy to manipulate the eye ring and cutter head in order to introduce the cutter head into the guides. Thus, the guides 82 of *Dybbs* are completely uniform over their entire length.

The amendments to claims 3 and 6 specify that applicant’s entrance guideway and cutting guideway have a different configuration, and that the cutting guideway is configured for the precision engagement of the cutter head necessary to perform the corneal cut, and the entrance guideway has a different, non-precision configuration for introducing the cutter

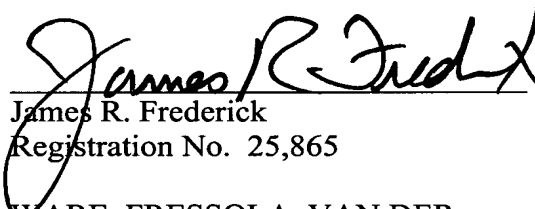
head into the precision cutting guideway. Thus, applicant's cutting guideway and entrance guideway have both different configurations and different purposes from the uniform guides of *Dybbs*, wherein claims 3 and 6 are believed patentable over *Dybbs*.

Applicant appreciates the allowance of claims 40-44. The foregoing Amendment re-writes claims 7-13 and 15-34 to include all of the limitations of the base claim and any intervening claims, wherein claims 7-13 and 15-34 are now also believed allowable.

Therefore, all the claims are believed to be in condition for allowance, and such favorable action is earnestly solicited.

Respectfully submitted,

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